

## Small Business Administration

## § 125.2

125.21 Are there SDVO contracting opportunities at or below the simplified acquisition threshold?

125.22 May SBA appeal a contracting officer's decision not to reserve a procurement for award as an SDVO contract?

125.23 What is the process for such as appeal?

### Subpart D—Protests Concerning SDVO SBCs

125.24 Who may protest the status of an SDVO SBC?

125.25 How does one file a service disabled veteran-owned status protest?

125.26 What are the grounds for filing an SDVO SBC protest?

125.27 How will SBA process an SDVO protest?

125.28 What are the procedures for appealing an SDVO status protest?

### Subpart E—Penalties and Retention of Records

125.29 What penalties may be imposed under this part?

AUTHORITY: 15 U.S.C. 632(p), (q); 634(b)(6); 637; 644 and 657(f).

SOURCE: 61 FR 3312, Jan. 31, 1996, unless otherwise noted.

### § 125.1 Programs included.

The regulations in this part relate to the Government contracting assistance programs of SBA. There are five main programs: Prime contracting assistance; Subcontracting assistance; Government property sales assistance; the Certificate of Competency program; and Service-Disabled Veteran-Owned Small Business Concern contracting assistance. The objective of the programs is to assist small businesses in obtaining a fair share of Federal Government contracts, subcontracts, and property sales.

[61 FR 3312, Jan. 31, 1996, as amended at 69 FR 25266, May 5, 2004]

### § 125.2 Prime contracting assistance.

(a) *General.* Small business concerns must receive any award or contract, or any contract for the sale of Government property, that SBA and the procuring or disposal agency determine to be in the interest of:

(1) Maintaining or mobilizing the Nation's full productive capacity;

(2) War or national defense programs;

(3) Assuring that a fair proportion of the total purchases and contracts for property, services and construction for the Government in each industry category are placed with small business concerns; or

(4) Assuring that a fair proportion of the total sales of Government property is made to small business concerns.

(b) *Responsibilities in the acquisition planning process.* (1) SBA Procurement Center Representatives (PCRs) are generally located at Federal agencies and buying activities which have major contracting programs. PCRs are responsible for reviewing all acquisitions not set-aside for small businesses to determine whether a set-aside is appropriate and to identify alternative strategies to maximize the participation of small businesses in the procurement.

(2) As early in the acquisition planning process as practicable, but no later than 30 days before the issuance of a solicitation, or prior to placing an order without a solicitation, the procuring activity must coordinate with the procuring activity's Small Business Specialist (SBS) when the acquisition strategy contemplates an acquisition meeting the dollar amounts in paragraph (b)(2)(i) of this section, unless the contract or order is entirely reserved or set-aside for small business concerns as authorized under the Small Business Act. The SBS must notify the agency Office of Small and Disadvantaged Business Utilization (OSDBU) if the strategy or plan includes bundled requirements that the agency has not identified as bundled or includes unnecessary or unjustified bundling of requirements. If the strategy involves substantial bundling, the SBS shall assist in identifying alternative strategies that would reduce or minimize the scope of the bundling.

(i) The procuring activity must coordinate the acquisition strategy with the cognizant SBS in accordance with paragraph (b)(2) of this section if the estimated acquisition, contract or order value is:

(A) \$7 million or more for the Department of Defense;